IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6067 of 2007()

CRIME NO.531/07 OF KASARAGOD POLICE STATION
CMP.4139/2007 of J.M.F.C.,KASARAGOD

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PETITIONER : ACCUSED:

SHAIK KAMIL, S/O.SHAIK KAMAL,
CHALAKUNNU, VIDIA NAGAR, KASARAGODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE:

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1. THE SUB INSPECTOR OF POLICE,
KASARAGODE POLICE STATION.

2. STATE REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6067 of 2007

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Dated this the 8th day of October, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to transport 7000 x 100 ml. packets of arrack in a vehicle. The alleged incident took place on 6.8.07. The petitioner was arrested on 24.8.2007. Investigation is in progress. The learned counsel prays that regular bail may be granted to the petitioner.

2. The learned Prosecutor opposes the application. He submits that the investigation has revealed that the vehicle used for transportation is a fake one in the sense that the Engine number and Chassis number are seen tampered with. Considering the nature and quantum of the article seized, the State is obliged to oppose the application. In a serious crime like this the Investigators may be given sufficient and reasonable time to complete the investigation, submits the Prosecutor.

4. I have considered all the relevant inputs. In the wake of opposition by the Public Prosecutor regular bail can be granted to the

petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions. I am satisfied that the petitioner is not entitled for bail at this stage.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 22.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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